



Saint Paul Planning Commission

City Hall Conference Center Room 40
15 Kellogg Boulevard West

Christopher B. Coleman,
Mayor

Steering Committee Meeting – 8:00 a.m., Room 41

Agenda

Saint Paul
Planning Commission

May 27, 2011
8:30 – 11:00 a.m.

Chair

Jon Commers

First Vice Chair

Barbara A. Wencil

Second Vice Chair

Paula Merrigan

Secretary

Anthony Fernandez

I. Approval of minutes of May 13, 2011

II. Chair's Announcements

III. Planning Director's Announcements

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. (*Tom Beach, 651/266-9086*)

OLD BUSINESS

#11-129-965 Capitol Lien & Title/Tony Magnotta – Determination that vertical wind turbines are uses similar to cell phone antennas. 1010 Dale Street N., between Lawson and Hatch. (*Kate Reilly, 651/266-6618*)

NEW BUSINESS

#11-135-208 Church of St. Mark – Conditional Use Permit for reuse of a large structure (former convent) as a residence for Saint Paul Seminary seminarians. 1976 Dayton Avenue, SE corner at Moore. (*Josh Williams, 651/266-6659*)

V. Comprehensive Planning Committee

VI. Neighborhood Planning Committee

Solar Energy Systems Zoning Code Amendments – Release for public review and set public hearing for July 8, 2011. (*Kate Reilly, 651/266-6618, and Allan Torstenson, 651/266-6579*).

VII. Planning Work Program Update – Presentation by Donna Drummond, Director of Planning. (*Donna Drummond, 651/266-6556*)

VIII. Transportation Committee

IX. Communications Committee

Pat Connolly
Gene Gelgelu
Bree Halverson
Richard Kramer
Gaius Nelson
Christopher Ochs
Trevor Oliver
Julie Perrus
Marilyn Porter
Elizabeth Reveal
Anthony Schertler
Robert Spaulding
Terri Thao
Jun-Li Wang
Daniel Ward II
David Wickiser
Roxanne Young

Planning Director
Donna Drummond

X. Task Force Reports

XI. Old Business

XII. New Business

XIII. Adjournment

Information on agenda items being considered by the Planning Commission and its committees can be found at www.stpaul.gov/ped, click on Planning.

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &
Heritage Preservation Commission
MASTER MEETING CALENDAR**

WEEK OF MAY 23-27, 2011

Mon (23) _____

Tues (24) _____

4:00- **Comprehensive Planning Committee**
5:30 p.m. (*Penelope Simison, 651/266-6554*)

HAS BEEN CANCELLED

Weds (25) _____

Thurs (26) _____

5:00 p.m. **Heritage Preservation Commission**

Room 40 City Hall
Lower Level
Enter building on 4th Street

Permit Review/Public Hearings

402 Hope Street, Dayton's Bluff Historic District, by Michael Buelow, BB Housing Associates, LLC, for a building permit to rehabilitate the residence to a duplex, restore the façade and recreate the front porch. HPC File #11-015 (*Boulware, 651/266-6715*).

546 Marshall Avenue, Hill Historic District, by Bob Lunning, Lunning Wende Associates, for a building permit to rehabilitate the front porches and replace missing design elements. HPC File #11-016 (*Boulware, 651/266-6715*).

Fri (27) _____

8:00 a.m. **Planning Commission Steering Committee**
(*Donna Drummond, 651/266-6556*)

Room 41 City Hall
Conference Center
15 Kellogg Blvd.

8:30- **Planning Commission Meeting**
11:00 a.m. (*Donna Drummond, 651/266-6556*)

Room 40 City Hall
Conference Center
15 Kellogg Blvd.

Zoning..... SITE PLAN REVIEW – List of current applications. (*Tom Beach, 651/266-9086*)

OLD BUSINESS

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NEW BUSINESS

#11-135-208 Church of St. Mark – Conditional Use Permit for reuse of a large structure (former convent) as a residence for Saint Paul Seminary seminarians. 1976 Dayton Avenue, SE corner at Moore. (*Josh Williams, 651/266-6659*)

DISCUSSION

Denying zoning applications in the face of a staff recommendation to approve: revisiting the legal requirements of Minn. § 15.99, Subd. 2(b)

Neighborhood Planning

Committee..... Solar Energy Systems Zoning Code Amendments – Release for public review and set public hearing for July 8, 2011. (*Kate Reilly, 651/266-6618, and Allan Torstenson, 651/266-6579*).

Informational Presentation.... Planning Work Program Update – Presentation by Donna Drummond, Director of Planning. (*Donna Drummond, 651/266-6556*)

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes May 13, 2011

A meeting of the Planning Commission of the City of Saint Paul was held Friday, May 13, 2011, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Merrigan, Perrus, Reveal, Thao, Wencil; and
Messrs. Commers, Connolly, Fernandez, Gelgelu, Kramer, Nelson, Ochs, Oliver,
Schertler, Spaulding, Ward, Wickiser.

Commissioners Absent: Mmes. *Halverson, *Porter, *Wang, *Young.
*Excused

Also Present: Donna Drummond, Planning Director; Lucy Thompson, Patricia James, Merritt Clapp-Smith, Kate Reilly, Sarah Zorn, Jessica Rosenfeld, Emily Goodman, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes April 29, 2011.

MOTION: *Commissioner Thao moved approval of the minutes of April 29, 2011.
Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Commers announced that several commissioners attended the Great River Gathering dinner the previous evening. The focus of the presentation was the work on the Great River Park, and there will be a public event to present the work on June 16th and suggested that commissioners mark their calendars for that event.

III. Planning Director's Announcements

Donna Drummond also commented on the Great River Gathering dinner, saying the Riverfront Corporation had unveiled a new iPhone application called "Imagine Saint Paul." It is an application that you can download and if you see something while traveling in another city that is a good example of urban design that Saint Paul might consider, you take a picture of it, add your comments, and send it in. The Riverfront Corporation will post these examples on their web site.

The state legislature approved new language regarding variances that has been signed by the governor and is effective immediately. Staff from PED and the Department of Safety and Inspections, which staffs the Board of Zoning Appeals, met this week and crafted some new findings for variances. These will be a working draft until the zoning code section that pertains to those findings can be amended. Peter Warner will be talking with the Zoning Committee at their next meeting about the new findings.

Diane Wanner is the staff liaison to the district councils, working out of the City Council offices. She collects information for the district councils that she sends out periodically via email, including upcoming events and resources that are available. Ms. Drummond is going to send out the next one to the Planning Commission and ask each commissioner to respond if he or she would like to continue to receive it. An email group will be created for the commissioners who want to receive it.

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

Three items came before the staff Site Plan Review Committee on Tuesday, May 10, 2011: Wheelock Early Education Center Parking Lot located at 1521 Edgerton Street, concrete and asphalt work and security lighting; Linwood Monroe School Parking Lot located at 810 Palace, roof, paving and misc improvements; and Lower Afton Trail Restoration located at 2125 Lower Afton Road (new address to be assigned), trail extension.

One item to come before the Site Plan Review Committee on Tuesday, May 17, 2011: Meridian Industrial Center located at 620 Pelham Blvd., new 68,000 square foot office/industrial building.

NEW BUSINESS

Note: Commissioner Wencil assumed the Chair for discussion and voting on the first two cases.

#11-130-239 Greater Frogtown CDC (783 Charles) – Re-establishment of nonconforming use as a duplex. 783 Charles Avenue between Grotto and Avon. *(Sarah Zorn, 651/266-6570)*

Commissioner Connolly asked if there will be more of these cases and what can be done to prepare for it or lay the ground work.

Commissioner Kramer explained that many of these duplexes have not been vacant a year, so they don't need to go through this process. For those that do, every case has to have its own findings because they are all in different zoning and planning districts, have different lot sizes, etc. The Neighborhood Planning Committee will be discussing nonconforming use regulations at their next meeting, and there may be some streamlining options in the text amendments.

Commissioner Ward asked about the condition that requires that all of the remodeling be done on the inside of the building as it relates to a proposed dormer addition shown on plans.

Commissioner Nelson explained that testimony at the hearing indicated that the dormer would not be constructed, so the condition was put into the resolution to document this.

There was discussion about the foreclosure and vacant buildings process. Commissioner Fernandez stated that District 7 wanted the City to be more transparent about vacant properties that the City or HRA acquires.

Commissioner Schertler expressed support for the idea.

Donna Drummond, Planning Director said that it would be appropriate for the district councils to be requesting that information of the HRA and PED staff, but it is not germane to the zoning decision.

Commissioner Spaulding stated, in response to Commissioner Connolly's question that the commission established and adopted guidelines for nonconforming use permits for duplexes that are found in Finding 3 of the resolution.

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the re-establishment of legal nonconforming use status subject to additional conditions. The motion carried on a voice vote with Commissioner Commers abstaining.*

#11-130-099 Greater Frogtown CDC (711 Charles) – Re-establishment of nonconforming use as a duplex. 711 Charles Avenue between St. Albans and Grotto. (Sarah Zorn, 651/266-6570)

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the re-establishment of legal nonconforming use status subject to additional conditions. The motion carried on a voice vote with Commissioner Commers abstaining.*

#11-130-458 St. Paul Credit Union – Conditional Use Permit for drive-through service accessory to credit union, with modification of required setback from residential property. 1664 University Avenue West between Fry and Pierce. (Sarah Zorn, 651/266-6570)

Commissioner Ward asked for information regarding the fence.

Commissioner Merrigan said that the type of fence would be stipulated as part of the site plan review in accordance with the requirements of the City of Saint Paul. The Zoning Committee was clear that the fence was to be located on the property of the credit union so that there would not be any easement or maintenance issues with the neighboring property.

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.*

#11-130-360 Renaissance Fireworks – Conditional Use Permit for seasonal outdoor sale of consumer fireworks with modifications. 2089 Hudson Road between McKnight and Pedersen. (Kate Reilly, 651/266-6618)

Commissioner Kramer said that there is a correction to be made in the resolution to adjust the sale days this year, so that the applicant can sell from June 24 through July 4th.

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions.*

Commissioner Spaulding stated that he opposed the change of dates. The change of dates needed a compelling purpose, and he did not find that strict application of the code would unreasonably limit the use of the property.

Commissioner Fernandez said that the applicant stated that following the dates in the Zoning Code would take away about 10% of his revenue. The applicant would have the same number of total sales days as other applicants. This adjustment makes sense, so he supports the change.

Commissioner Wenc stated that she was not in favor of the location of the tent. She thinks it will cause parking hazards and that ingress and egress would be difficult.

Commissioner Kramer clarified that the application indicated a sales location, but that is not a part of what the Planning Commission is approving. The application does not require it to be in that spot.

Patricia James, PED staff said the conditional use permit will go with the property, and the management company has some flexibility about where the sales would take place. The fire marshal has to approve the location to make sure that it meets all the requirements in the code.

Commissioner Kramer said that the commission can attach a condition ruling out the proposed location, or ask that it be evaluated relative to the traffic and access concerns.

Commissioner Ward asked if it is standard practice that the site plan for fireworks sales is reviewed by Public Works in order to assess traffic flow.

Ms. James said these are not permanent improvements, so it does not go through any type of site plan review. Generally it is assumed that the property owner and manager would not want to create an unsafe traffic condition. The fire marshal reviews the location to ensure compliance with the National Fire Protection Association standards.

Commissioner Merrigan said that the Zoning Committee discussed this and decided that there is more than adequate parking on the site. Sales for 10-days would not create the kind of conditions that would require a traffic study.

Commissioner Oliver moved to amend the motion to add an additional condition that the uses will be located between entrances to the parking lot. Commissioner Wenc seconded the motion.

Commissioner Spaulding spoke against the proposed amendment because there has to be some sort of public purpose for the Planning Commission action, and this simply shifts parking within private property.

Commissioner Nelson also stated his opposition to the amendment.

Commissioner Merrigan spoke in opposition to the amendment.

Commissioner Wenc stated that she believes the middle area is more appropriate; she does not see the kind of traffic and near accidents that she sees in the other area.

Commissioner Kramer suggested that they should add a condition asking Public Works and DSI to review the location for traffic and egress/ingress issues from a public safety stand point, not just an operational stand point, with staff allowed to modify the location if warranted.

Commissioner Oliver rephrased the amendment to state: staff will review the location for traffic safety and egress/ingress issues.

Commissioner Merrigan spoke in opposition to the amendment.

AMENDMENT TO MOTION: *Chair Commers repeated Commissioner Oliver's motion to add a 5th condition that states "site plan review staff in Public Works and DSI will review the tent location for traffic safety and egress/ingress issues and may modify the location after consultation with the fire marshal as needed." The motion carried 9-8 (Connolly, Fernandez, Merrigan, Ochs, Perrus, Reveal, Spaulding, Thao) on a voice vote.*

The main motion carried 14-3 (Fernandez, Spaulding, Thao) on a voice vote.

#11-129-965 Capitol Lien & Title – Determination of similar use for vertical wind turbines in the B3 general business district. 1010 Dale Street North between Lawson and Hatch.
(Kate Reilly, 651/266-6618)

Commissioner Kramer reported that the Zoning committee laid this case over to the May 19, 2011 meeting.

Commissioner Kramer announced the items on the agenda for the next Zoning Committee meeting on Thursday, May 19, 2011.

V. Comprehensive Planning Committee

Zoning Amendments to St. Paul's Use Definitions and Off-Street Parking Requirements for Establishments Serving Wine, Beer or Liquor - Proposed text amendments for establishments serving wine, beer and liquor. (Merritt Clapp-Smith, 651-266-6547)

Merritt Clapp-Smith, PED staff presented proposed amendments related to use definitions and off-street parking for establishments serving wine, beer and liquor. This is follow-up to the comprehensive off-street parking amendments that went through Planning Commission a year ago and then to City Council. Ms. Clapp-Smith presented background and an update. On June 16, 2010, the City Council adopted the comprehensive amendments to off-street parking requirements with one major exception, for establishments serving wine, beer or liquor. It had been proposed that establishments with wine and beer might be permitted to reduce their parking requirements along with restaurants not serving wine and beer. Restaurants without wine, beer or liquor service had their parking requirement reduced to 1 space per 400 square feet. However, due to some councilmembers' concerns about nuisance and parking problems associated with some alcohol serving establishments, the City Council did not amend parking requirements for these places, leaving the requirements at 1 space per 125 square for establishments serving wine or beer, and at 1 space per 100 square feet for establishments serving liquor or with entertainment A or B licenses.

Following the City Council's vote on the amendments, the Council requested PED and DSI staff to follow-up with a more detailed evaluation of alcohol serving establishments and how they are handled through zoning and licensing. Over the past year, PED and DSI staff has considered a variety of changes, focusing on the characteristics that differentiate one type of use from another in operations and impact to the surrounding area. Based on staff evaluation, it is suggested that

establishments with late night alcohol service or entertainment have the potential for a higher volume of patrons with more people standing and/or dancing. This higher patron concentration may correlate with higher parking demand, which increases the potential for overflow onto neighborhood streets, which creates more of a nuisance late at night.

Staff proposed code and licensing amendments that better differentiate between establishments serving alcohol, the impacts they create, and parking needs. A new use term and definition is proposed for "BAR – an establishment that serves wine, beer, or intoxicating liquor for consumption on the premises any time between midnight and 2:00 a.m." By contrast, the definition for "Restaurants" would remain as is, being an establishment that serves food, with or without wine, beer, or liquor service and closing before midnight. If the new use definition for "Bar" is adopted, it is recommended that the parking requirement for "Restaurants" be reduced to 1 space per 400 square feet, consistent with establishments that do not provide alcohol service -- the rationale being that patron volume and parking demand does not change based on the type of beverage being consumed with food. "Bars" would be proposed for a higher parking requirement due to the potential for increased patron volume and related nuisance concerns if there is spillover parking in the neighborhood. The Comprehensive Planning Committee has not proposed a specific parking requirement for "bars", but instead wanted the Planning Commission to be presented with a range of requirement options.

The Comprehensive Planning Committee does not recommend a public hearing at Planning Commission on the matter, since it involves zoning amendments already considered at Planning Commission and is being done as follow up in response to a request of City Council. Planning Commission can make a recommendation to City Council and have Council host the public hearing and discussion process.

Commissioner Perrus asked how many parking spaces are available and what is being done to nonconformities and requiring additional parking if they expand.

Ms. Clapp-Smith said that establishments meeting the bar definition vary widely in the amount of parking provided, based on how long they've existed. If they have been around for awhile, such as storefronts on the City's historic commercial streets, then they may have no parking and are now grandfathered in. If parking requirements do change, a new baseline for the amount of required parking will be established and used in determining parking required for expansion or change of use.

Commissioner Fernandez asked if there a place to register parking spaces and if staff had evaluated parking levels and demand in existing lots. He also questioned why the Planning Commission would not host a public hearing.

Commissioner Merrigan clarified the public hearing question for Commissioner Fernandez, stating that the Planning Commission had already held a public hearing on the overall parking amendments, of which this is just a small follow up item requested by City Council. For that reason, hosting another public hearing is more appropriate during City Council review.

Commissioner Connolly voiced a symbolic 'no' vote because he does not think that the proposed parking requirement reductions for establishments with alcohol service go far enough in making it easier to operate these types of businesses in the City.

Commissioner Kramer said that instead of selecting a recommended parking requirement for “bars”, the Planning Commission could send the proposal forward to City Council with a menu of options that demonstrate how much parking would be provided under different requirement levels. He said that Planning Commission previously sent a specific recommendation on parking for these types of establishments to City Council, which the Council did not adopt, so perhaps a range of options should be sent this time and the Council can select from among them.

Donna Drummond, Planning Director, pointed out that the current requirement in place is 1 space per 125 square feet for establishments serving wine and beer and 1 space per 100 square foot for establishments serving liquor or entertainment A & B licenses. The policy question is whether the parking requirement should be reduced for places that close by midnight, defined as “restaurants”.

Ms. Clapp-Smith said that the secondary question to that is at what level to set the parking requirement for “bars”.

Commissioner Nelson said there are other important considerations for determining parking, such as how many employees there are and where they park during the 8 to 9 hour shifts. They may be parking on nearby residential streets. Another issue is that midnight closing is still late in terms of having the potential to disturb a neighborhood, so perhaps a different time frame should be used to differentiate a restaurant and a bar.

Ms. Clapp-Smith responded on the data question previously posed by Commissioner Fernandez. She said that when staff were doing parking lot utilization studies, they could only think of three places within the bar category that had stand alone parking lots where an accurate count could be conducted. Within those lots, there was large variation in the parking demand, with none of them being near full, and it seemed that the businesses were not examples of what the most successful businesses might experience. In addition, the parking counts were not done after midnight. Therefore, staff has not used the data because it is not representative or conclusive. She felt that an accurate study with good data pointing out clear trends in parking demand for bars was not possible in the City, due to a lack of stand alone bar parking lots, the wide variation in demand from business to business and the difficulty in getting staff counts late at night.

Commissioner Thao pointed out that advocating for more parking at drinking establishments, seems to unintentionally support more drinking and driving.

Commissioner Schertler said that he patronizes Scusi and Groveland Tap and that it is unfortunate that a parking lot is located at the corner of Fairview and St. Clair to support these businesses, because a parking lot is contrary to promoting land use density in the City. The land use implication is that high parking requirements will promote a land use that conflicts with development and land use density goals. He noted that he is in the habit of walking to Scusi because there used to be no place to park, and that was okay.

MOTION: *Commissioner Merrigan moved the Comprehensive Planning Committee’s recommendation to approve the Zoning code text amendments with an attachment providing information on the choice of parking requirements for bars. The motion carried 15-2 (Connolly, Nelson) on a voice vote.*

Neighborhood STAR Applications: Comments Regarding Conformance with the Comprehensive Plan and Comments to CIB Committee and Neighborhood STAR Board Regarding Capital Improvement Priorities – Approve resolution to transmit comments.
(Donna Drummond, 651/266-6556)

Commissioner Merrigan said that the commissioners have a memo before them prepared by Donna Drummond, Planning Director. There was discussion when the CIB proposals were reviewed about clarifying the role of the Planning Commission as part of the review for these items. The Comprehensive Planning Committee discussed this and felt that their charge was to review the STAR applications in terms of their compliance with the goals of the Comprehensive Plan. The Committee thought it would be most useful to just highlight the applications that specifically addressed goals of the Comprehensive Plan and the spreadsheet was reformatted to reflect that. The Committee also discussed the more general comments on capital priorities that are included in the memo. The Committee will consider in future funding cycles whether to highlight certain high priorities for action from the Comprehensive Plan depending upon current conditions in the city.

MOTION: *Commissioner Merrigan moved the Comprehensive Planning Committee's recommendation to approve the resolution to transmit comments to the CIB Committee and the STAR Board. The motion carried unanimously on a voice vote.*

VI. Neighborhood Planning Committee

District 9 Residential Zoning Study – Approve resolution initiating zoning study. (Jessica Rosenfeld, 651/266-6560)

MOTION: *Commissioner Wencl moved the Neighborhood Planning Committee's recommendation to approve the resolution initiating a zoning study. The motion carried unanimously on a voice vote.*

District 9 Commercial Zoning Study – Approve resolution initiating zoning study.
(Lucy Thompson, 651/266-6578)

MOTION: *Commissioner Wencl moved the Neighborhood Planning Committee's recommendation to approve the resolution initiating a zoning study. The motion carried unanimously on a voice vote.*

Smith Avenue Revitalization Plan – Recommendation to release the draft for public review and set a public hearing for June 24, 2011. (Kate Reilly, 651/266-6618)

MOTION: *Commissioner Wencl moved the Neighborhood Planning Committee's recommendation to release the draft for public review and set a public hearing for June 24, 2011. The motion carried unanimously on a voice vote.*

VII. Transportation Committee

Transportation Committee Guidelines – Approve resolution adopting new guidelines.
(Emily Goodman, 651/266-6059)

Commissioner Spaulding said the guidelines are in place to give the committee a framework to think about the issues that come in front of them. The framework comes directly out of the Transportation chapter of the Comprehensive Plan that was adopted last year. This has come as part of a larger discussion about what issues they choose and when they review them and how they review them. This at least begins to solidify the very core of what they hope to do as a committee.

Chair Commers said that he thinks the nine guidelines are excellent and that there clearly has been a lot of thought put into these. One suggestion is to do some thinking on how does the committee know to what extent they are achieving these outcomes and how to measure either in a quantitate or qualitative fashion to what extent they are making progress towards these intended outcomes. He thanked the Transportation Committee for its work.

MOTION: Commissioner Spaulding moved the Transportation Committee's recommendation to approve the resolution adopting the new guidelines. The motion carried unanimously on a voice vote.

Commissioner Spaulding added one other thing they discussed at the meeting – a grant opportunity to install about 200 bike racks throughout the city. Emily Goodman worked on that and also on the guidelines. He thanked Emily for her work.

Commissioner Spaulding announced the items on the agenda for the next Neighborhood Committee meeting on Monday, May 16, 2011.

VIII. Communications Committee

No report.

IX. Task Force Reports

Commissioner Commers reported that the West Midway Industrial Task Force has been meeting since last fall and they have done analysis and work on what uses are currently found in the West Midway and how to preserve the industrial uses. They will be taking a summer break to do some thinking and writing of text. The task force will resume meeting in September.

Commissioner Wencil reported that last Tuesday the Near East Side task Force met and had a tour of the Hamm's Brewery buildings and the businesses that are located there. Commissioner Wencil also announced the items on the agenda for the next Neighborhood Committee meeting on Wednesday, May 18, 2011.

Donna Drummond, Planning Director, followed up on the discussion about the two zoning cases on the re-establishment of nonconforming use for duplexes. She thinks it would be helpful to organize a Planning Commission informational presentation about the City's work to expend NSP (Neighborhood Stabilization Program) funds from the federal government to acquire vacant and foreclosed properties and stabilize neighborhoods. An update on progress of this program would be helpful background information as the Commission considers these types of applications.

X. Old Business

None.

XI. New Business

None.

XII. Adjournment

Meeting adjourned at 10:22 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Donna Drummond
Planning Director

Approved _____
(Date)

Anthony Fernandez
Secretary of the Planning Commission



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

SITE PLAN REVIEW COMMITTEE
TUESDAY May 24, 2011
2nd Floor Conference Room
375 Jackson Street, Suite 218

<u>Time</u>	<u>Project Name and Location</u>
9:30	Beacon Bluff Parcel 2 Demo and grading 837 Minnehaha Ave E.
10:30	City House – Upper Landing Park Event facility Building Improvements for catered events 258 Mill Street
11:15	Nova Academy New Charter School Madison at Mercer (Victoria Park) Preliminary review

To Applicants:

You should plan to attend this meeting.

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff.

The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and send you a copy.

Parking

Parking is available at on-street meters. Some off-street parking spaces are available in our visitor parking lot off of 6th Street at Jackson.

To see a map of additional nearby parking ramps go to
<http://www.ci.stpaul.mn.us/depts/dsi/liep/info/location.html>

If you have any questions, please call Mary Montgomery at 651-266-9088 or
mary.montgomery@ci.stpaul.mn.us.

An Equal Opportunity Employer



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

**SITE PLAN REVIEW COMMITTEE
TUESDAY May 31, 2011
2nd Floor Conference Room
375 Jackson Street, Suite 218**

<u>Time</u>	<u>Project Name and Location</u>
9:00	Como Park High School Paving Repave parking lots, drives, and build four new tennis courts 740 Rose Ave
9:30	Oxford Community Center Field New synthetic turf field and upgraded lighting 1079 Iglehart Ave
10:10	Hazeldon Parking Lot Soil clean up and temporary parking lot 615 Drake St.
10:40	Libby Parking lot Demolish building and build a new parking lot 855 Rice St.
11:00	Chittenden Eastman Building New parking lot on lower level of existing building and repave/stripe existing parking area behind the building 2402 University Ave W.
11:30	AGAPE School Small addition to existing building and rebuild existing parking lot 1037 University Ave W.

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If you have any questions, please call Mary Montgomery at 651-266-9088 or mary.montgomery@ci.stpaul.mn.us.

An Equal Opportunity Employer



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

DATE: May 20, 2011
TO: Planning Commission
FROM: Zoning Committee
SUBJECT: Results of May 19, 2011 Zoning Committee Hearing

OLD BUSINESS

1. Capitol Lien & Title/ Tony Magnotta (11-129-965)

Determination of similar use for vertical wind turbines in the B3 general business district

Address: 1010 Dale St N
between Lawson and Hatch

District Comment: District 6 recommended approval

Support: 0 people spoke, 2 letters

Opposition: 0 people spoke, 0 letters

Hearing: Hearing is closed

Motion: Denial

<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
Approval with conditions	Denial (4 – 3) (Fernandez, Wickiser, Spaulding)

NEW BUSINESS

2. Church of St Mark (11-135-208)

Conditional Use Permit for reuse of a large structure (former convent) as a residence for Saint Paul Seminary seminarians

Address: 1976 Dayton Ave
SE Corner at Moore

District Comment: District 13 recommended approval

Support: 1 person spoke, 1 letter

Opposition: 0 people spoke, 0 letters

Hearing: Hearing is closed

Motion: Approval

<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
Approval	Approval (7 – 0)

city of saint paul
planning commission resolution
file number
date

WHEREAS, the Church of St Mark, file # 11-135-208, has applied for a Conditional Use Permit for reuse of a large structure (former convent) as a residence for Saint Paul Seminary seminarians, under the provisions of § 65.132 of the Saint Paul Legislative Code, on property located at 1976 Dayton Avenue, Parcel Identification Number (PIN) 04-28-23-22-0062, legally described as Merriam Park Second Addition, Lots 5-6, Block 9; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 19, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The Church of Saint Mark is proposing, on behalf of the Saint Paul Seminary, to reuse the existing structure at 1976 Dayton. Originally a convent, the building has more recently served as a "parish center" for the Church of St. Mark, including offices and meeting spaces. The proposed reuse of the property is as a residence for up to twenty-five seminarians and priests. The Saint Paul Seminary will be funding internal renovations of the structure as needed to meet fire and building codes as determined by Saint Paul officials.
2. § 65.132 lists standards and conditions for reuse of large structures in residential districts:
 - (a) *The Planning Commission shall find that the structure cannot reasonably be used for a conforming use.* A convent is no longer associated with the property, and while a small number of clergy and members of religious orders have resided at the property in recent years, the bulk of the structure has been largely unused. The proposed use will allow the full use of the structure, and provide a financial means for internal, mechanical improvements, helping to ensure the long-term viability of a historic structure.
 - (b) *The Planning Commission shall find that the proposed use and plans are consistent with the Comprehensive Plan.* This condition is met. Policy 1.57 of the Land Use Chapter of the Saint Paul Comprehensive Plan encourages *communication between educational institutions and residents of the community when an educational institution seeks to expand.* While the proposed use is not an expansion of campus boundaries, it represents a similar physical expansion of the Saint Paul Seminary into the surrounding neighborhood. In recognition of this, the Church of Saint Mark and the Saint Paul Seminary have held a meeting with the Union Park District Council and sent a letter describing the proposed use to surrounding property owners and residents.
 - (c) *The Planning Commission shall find that the proposed use and structural alternations or additions are compatible with the surrounding neighborhood and land uses.* This condition is met. The proposed reuse is similar to the original use of the structure, and no structural alterations are

moved by _____
seconded by _____
in favor _____
against _____

being proposed. The seminarians residing at the property will spend the majority of each weekday on the nearby campus of the Saint Paul Seminary, returning to the property for evenings and weekends.

- (d) *Parking for the new use shall be provided in accordance with the requirements of section 63.200 for new structures.* This condition is met. The proposed dwelling use is similar to a roominghouse, the off-street parking requirement for which is one space per three occupancy units. The reused structure will house approximately 20-25 seminarians, one per room. A church-owned lot to the east provides more than adequate off-street parking.
- (e) *Applications for conversion or reuse shall include a notarized petition of two-thirds (2/3) of the property owners within one hundred (100) feet of the property proposed for reuse, site plans, building elevations, and landscaping plans, and other information which the planning commission may request.* This condition is met. The applicant has submitted signatures for the minimum required eight of eleven total eligible parcels. As the proposed reuse entails no structural or external alterations of the building and no changes to the site, this condition is met.

3. § 61.501 lists five standards that all conditional uses must satisfy:

- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The proposed use will involve the housing of seminarians, a population similar to that which would occupy the structure if it were in use as a convent, monastery, or religious retreat, uses allowed in an R3 district. Also see finding 2(b).
- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Automotive traffic to and from the site will be limited, as the expense and scarcity of parking on the nearby campus will encourage seminarians to travel to the campus—their primary destination during the week—by alternative modes.
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed use is similar to the original use of the structure, built in 1927, as a convent, and will not present a detriment to the character of the immediate neighborhood, nor present a endangerment of the public health, safety, or general welfare.
- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The proposed use is similar in character to the original use of the structure, which itself did not impede the normal and orderly development of surrounding property.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The use will in all other respects conform to the applicable regulations of the district in which it is located.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of the Church of St. Mark for a Conditional Use Permit for reuse of a large structure (former convent) as a residence for up to twenty-five Saint Paul Seminary seminarians and priests at 1976 Dayton Avenue is hereby approved.

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, Capitol Lien and Title, File # 11-129-965, has applied for a determination of similar use for vertical wind turbines in the B3 general business district under the provisions of §61.106 of the Saint Paul Legislative Code, on property located at 1010 Dale St. N, Parcel Identification Number (PIN) 25-29-23-23-0063, legally described as Como Prospect Addition, Lots 3-5, Block 13; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 19, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. Capitol Lien and Title proposes installing four vertical wind turbines, three building-mounted wind turbines and one on a freestanding pole, at 1010 N. Dale Street. The three proposed roof-mounted 1.5 kW turbines would extend 15.8 ft. above the surface of the roof (a 9.8 ft. tall turbine mounted on a 6 ft. monopole). The proposed freestanding 3 kW turbine itself is 18.4 ft. tall. It would be mounted on a 13 ft. monopole, a total height of 31.4 feet.
2. § 61.106 authorizes the planning commission to make similar use determinations when a specific use is not listed in the zoning code. While § 60.103(k) of the zoning code states that a purpose of the zoning code is "to promote the conservation of energy and the utilization of renewable energy resources," the zoning code does not list wind turbines as a permitted use. On April 15, 2011, the planning commission initiated a zoning study to consider amendments to the Zoning Code pertaining to wind turbines that will address issues specific to wind turbines and conditions under which wind turbines would be permitted in various zoning districts.
3. § 61.106 states that in making a similar use determination the planning commission shall make the following findings:
 - (a) *That the use is similar in character to one (1) or more of the principal uses permitted.* This finding can not be made. A use permitted in the B3 general business district that shares some characteristics with a vertical wind turbine is cellular telephone antenna: both may be mounted on a building roof or on a freestanding pole. However, antennas are static objects, and by their nature wind turbines have dynamic, moving elements. Antennas do not create or transmit audible noise, whereas the dynamic nature of a wind turbine generates noise that may exceed standards.
 - (b) *That the traffic generated on such use is similar to one (1) or more of the principal uses permitted.* This finding can be made. The minimal traffic generated by wind turbines is similar to the minimal traffic generated by cellular telephone antennas.

moved by _____

seconded by _____

in favor _____

against _____

(c) *That the use is not first permitted in a less restrictive zoning district.* This finding is made. "Wind turbine" is not listed as a permitted use in any zoning district.

(d) *The use is consistent with the comprehensive plan.* This finding is made. While the Saint Paul Comprehensive Plan does not contain any policies specifically related to wind turbines, the use is consistent with broad policies in the comprehensive plan for energy conservation and sustainable use of renewable energy resources. The proposed wind turbines are consistent with the intent and purpose of the zoning code "to implement the policies of the comprehensive plan," including the purpose specifically stated in § 60.103(k) of the zoning code "to promote the conservation of energy and the utilization of renewable energy resources."

4. § 65.310 provides for cellular telephone antennas in the B3 general business district as permitted uses if they are building-mounted and as conditional uses if they are freestanding. The standards and conditions listed in § 65.310 for cellular telephone antennas in the B3 general business district that might also be applicable to the proposed wind turbines, and the consistency of the proposed wind turbines with them, are as follows:

(b) *In . . . OS-B3 . . . business districts, the antennas shall not extend more than fifteen (15) feet above the structural height of the structure to which they are attached.* The proposed roof-mounted wind turbines are reasonably consistent with this standard. The applicant proposes to mount the turbines on 6 foot monopoles to protect the turbines and to protect people on the roof from bumping into the turbines. The turbines themselves are 9.8 feet high. Together with a 6 foot pole, the top of the turbines would be 15.8 feet above the roof surface itself, and 14.3 feet above the top of the 18 inch parapet.

(d) *In . . . business districts, cellular telephone antennas to be located on a new freestanding pole are subject to the following standards and conditions:*

(1) *The freestanding pole shall not exceed seventy-five (75) feet in height, unless the applicant demonstrates that the surrounding topography, structures, or vegetation renders a seventy-five-foot pole impractical. Freestanding poles may exceed the above height limit by twenty-five (25) feet if the pole is designed to carry two (2) antennas.* The proposed 31.4 foot tall wind turbine on a free-standing pole is consistent with this standard.

(2) *Antennas shall not be located in a required front or side yard and shall be set back one (1) times the height of the antenna plus ten (10) feet from the nearest residential structure.* The wind turbine is not located in a required front or side yard. The location of the proposed pole is 51 feet from the nearest residential property, and farther from the nearest residential structure, consistent with this standard.

(3) *The antennas shall be designed where possible to blend into the surrounding environment through the use of color and camouflaging architectural treatment.* Due to the need for wind turbines to be mounted above structures or on poles to capture airflow, and their dynamic nature, it is not possible to design turbines to blend into the surrounding environment and therefore they would be inconsistent with this standard.

(4) *In business districts, the zoning lot on which the pole is located shall be within contiguous property with OS or less restrictive zoning at least one (1) acre in area.* The lot is within a large contiguous area of B3 and industrial zoning consistent with this standard.

(g) *Freestanding poles shall be a monopole design.* The proposed freestanding pole is a monopole design consistent with this standard.

(h) *Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, section 63.500, and screened from view by landscaping where appropriate.* The applicant states that all electrical equipment related to the wind turbines will be located in the existing building, and wires from the freestanding turbine to the electrical equipment will be buried.

5. § 65.310 provides for cellular telephone antennas on a freestanding pole in the B3 district as a conditional use. In a determination as to the similarity of a wind turbine on a freestanding pole in the B3 district to cellular telephone antennas on a freestanding pole in the B3 district, it is therefore appropriate to review the proposed wind turbine for conformance with the general standards in § 61.501 that apply to approval of all conditional use permits:

- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* The wind turbine is consistent with this standard as stated in Finding 3(d).
- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* The turbine will generate minimal traffic and is consistent with this standard.
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* Wind turbines may be detrimental to the existing character of the immediate area based upon the visual nature of their dynamic movement and potential noise generated.

The impact of sound generated by wind turbines is affected by a number of variables. In order for a sound to be heard over ambient noise it must be at least twice as loud as the ambient noise. Noise monitoring found that the sound generated by the 10 kW turbine at Macalester, for example, was imperceptible because of ambient noise in the area. Sound generated by the turbines increases with wind speed, while increased wind also increases ambient noise. Sound decreases 6 dB(A) for each doubling of distance from the source. Cumulative sound is measured logarithmically. For example, two things making sound at 50 dB(A) would have a cumulative sound level of 53dB(A) and four would generate a sound level of 56 dB(A).

Based on data provided by the applicant, sound from the 3000 watt wind turbine is 55 dB(A) at a wind speed of 11 miles per hour and 65 dB(A) at a wind speed 22 miles per hour. A speed limiter starts at a wind speed of 28 mph, and the turbine shuts down at a wind speed of 33 miles per hour. Based on the data provided, it appears that the turbine would meet the L10 (10% of an hour) city noise limit standard of 70 dB(A) for commercial districts. The city noise standard in residential districts is an L10 of 65dB(A) in the daytime (7:00 a.m. to 10:00 p.m.) and an L10 of 55dB(A) at night (10:00 p.m. to 7:00 a.m.). Also, the Minnesota noise pollution rules for residential areas have an L50 (50% of an hour) standard of 60 dB(A) in the daytime and an L50 of 50 dB(A) at night. These are measured at the point of nearest human activity. Based on the data provided and the distance to residential property, it appears that the turbine may meet the 65 dB(A) daytime city noise standard for residential districts. While wind generally blows at a lower speed in the night time, the proposed turbines are close enough to the point of nearest human activity on residential property that these standards could be violated, particularly with the cumulative sound of the four proposed turbines.

- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* The proposed wind turbine is consistent with this standard.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* The proposed wind turbine is consistent with this standard.

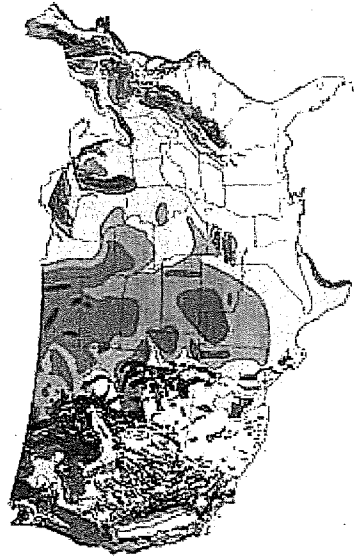
NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, based on findings 3(a), 4(d)(1), and 5(c) above, that the application of Capitol Lien and Title for a determination of similar use for vertical wind turbines in the B3 general business district at 1010 Dale St. N is hereby denied.

Minnesota Wind Facts

- ◆ Total wind energy potential:
 - 657 Billions of kWh/year
- ◆ Average potential power output:
 - 75,000 MW
- ◆ US rank for potential wind energy output:
 - 9th
- ◆ US rank for current wind energy output.
 - 9th

Average Annual Wind Speed

Dark blue = lots o' wind / White = not so much



Hi-VAWT Products

DS300 - 400 watts

Output Voltage 12,24 volts
 Output Current 20 amps
 Cut-In Wind Speed 6.7 mph
 Rated Windpeed 34 mph
 Diameter 3.7 feet
 Height 4.8 feet

DS1500 - 1.5 kW

Output Voltage 48 volts
 Output Current 60 amps
 Cut-In Wind Speed 5.5 mph
 Rated Windpeed 26 mph
 Diameter 9.2 feet
 Height 9.8 feet

DS3000 - 3.0 kW

Output Voltage 48 volts
 Output Current 130 amps
 Cut-In Wind Speed 5.5 mph
 Rated Windpeed 33 mph
 Diameter 13.1 feet
 Height 18.4 feet

Contact Us for Your

WIND ENERGY ASSESSMENT

Go Green Energy:

Jay Nygard

(952) 334-6400

jtn@gogreenenergyonline.com

Dave Erickson

(952) 457-6398

dave@gogreenenergyonline.com

DJ's Fireplace and Spa:

Gina Herrman

(763) 497-6859

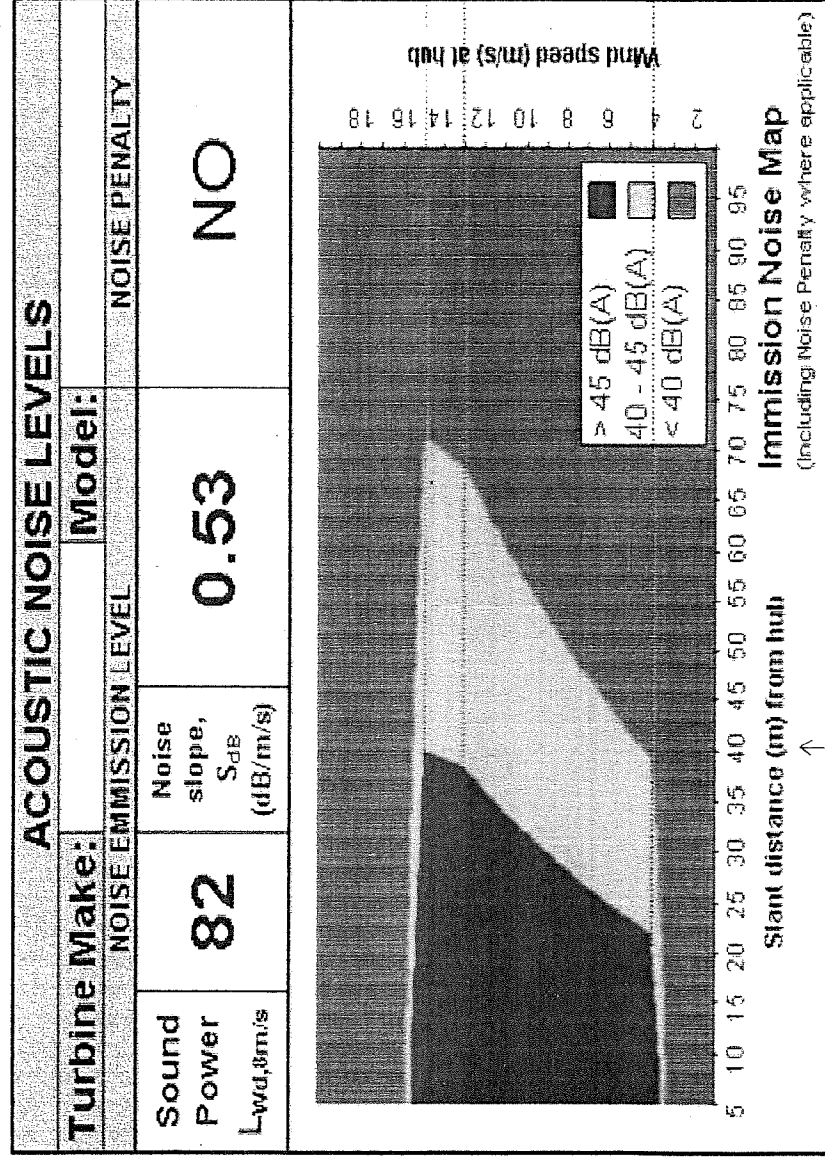
gina@djsonline.com

15 M/second

HIVAWT

Noise Test Became The Requirement Of SWT Standard

Noise Level no more than 45dB has become the essential standard for SWT; HASWT will face noise level problem



$$\rightarrow \times 3,281 = 39,372'$$

The Real Noise Testing Data (12M to Microphone)

Noise is less than 50dB in 5 m/s of wind speed

Noise is less than 65dB in 10 m/s of wind speed

(22 mph)

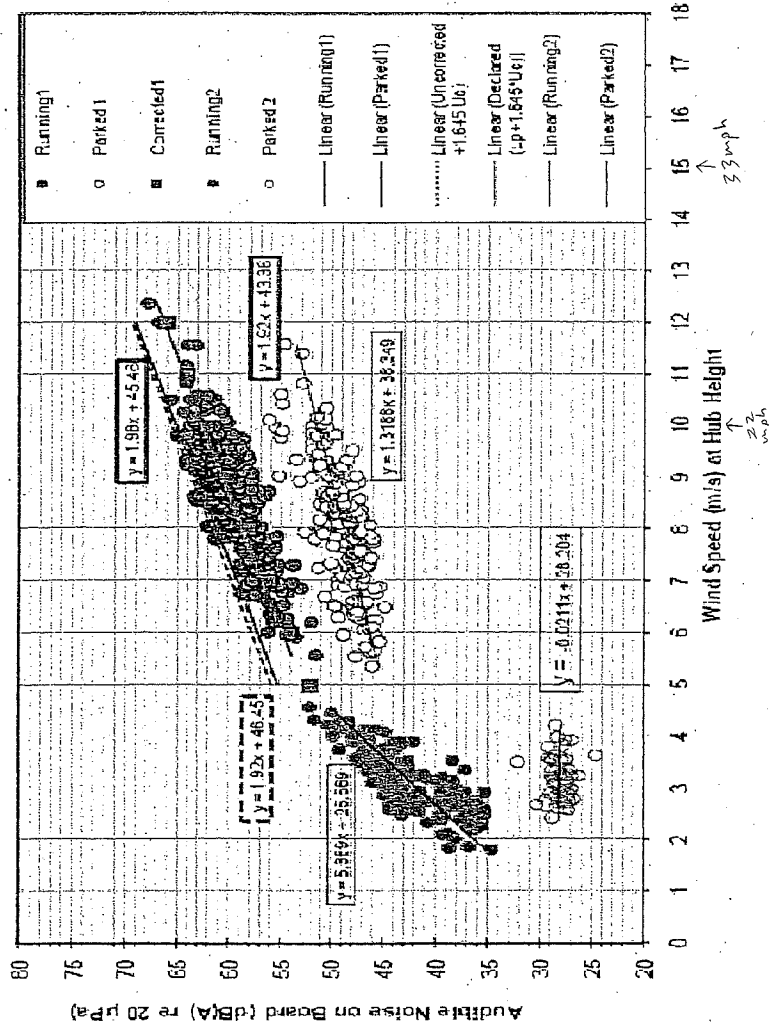


FIGURE 42 AUDIBLE NOISE (AS MEASURED AT THE GROUND BOARD) AS A FUNCTION OF WIND SPEED



**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, May 19, 2011 3:30 P.M.
City Council Chambers
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF MAY 5, 2011 ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

OLD BUSINESS

- 1 11-129-965 Capitol Lien & Title/ Tony Magnotta**
Determination of similar use for vertical wind turbines in the B3 general business district
1010 Dale St N, between Lawson and Hatch
B3
Kate Reilly 651-266-6618

NEW BUSINESS

- 2 11-135-208 Church of St Mark**
Conditional Use Permit for reuse of a large structure (former convent) as a residence for
Saint Paul Seminary seminarians
1976 Dayton Ave, SE Corner at Moore
R3
Josh Williams 651-266-6659

DISCUSSION

- 3 Denying zoning applications in the face of a staff recommendation to approve:
revisiting the legal requirements of Minn. § 15.99, Subd. 2(b)**

ADJOURNMENT

ZONING COMMITTEE MEMBERS: Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6700
Facsimile: 651-228-3220*

Date: May 18, 2011
To: Planning Commission
From: Neighborhood Planning Committee
Subject: Draft Solar Energy Systems Zoning Code Amendments

Background

In 2008 the Cities of Saint Paul and Minneapolis received a U.S. Department of Energy Solar America Cities grant to identify strategies that will result in solar-friendly policies, practices and regulations. Policy LU-3.19 in the Saint Paul Comprehensive Plan calls for study of "tools, techniques, and regulations to facilitate increased usage of solar energy systems, either as standalone systems or as supplements to conventional energy sources." § 60.103(k) of the Zoning Code states that a purpose of the Zoning Code is "to promote the conservation of energy and the utilization of renewable energy resources."

The Zoning Code treats solar energy systems as a permitted accessory use in all zoning districts under the definition of *accessory use* in § 65.910. The code does not separately list solar energy systems as an accessory use, just as it does not separately list air conditioners, ventilation equipment, and similar equipment. A solar energy system mounted on a building is subject to the dimensional standards that apply to the building. A freestanding solar energy system is subject to the dimensional and locational standards that apply to an accessory structure.

This current practice in Saint Paul appears to be a good balance between providing for solar energy systems and adequately regulating them. There is no evidence that it is a barrier to use of solar energy systems. Neither is there evidence that solar energy systems installed under existing regulations are inconsistent with the intent and purpose of the Zoning Code to promote and protect the public health, safety and general welfare.

Before permits are issued for installation of a solar energy system in Saint Paul, the plans and construction drawings are reviewed by Department of Safety and Inspections plan review and zoning staff and the structural engineer to ensure code compliance. Required documentation includes a building permit application, engineering plans showing the framing system and how it is attached to a building, location on a building, elevations, and a site plan if it is located in a yard rather than on a building. A separate electrical permit is required for photovoltaic systems, and a mechanical permit is required for thermal systems.

This memo outlines types of solar installations, reviews zoning regulations pertaining to solar energy systems in Saint Paul other cities, and makes recommendations for Saint Paul Zoning Code amendments that may improve or clarify regulations in the code pertaining to solar energy systems.

Research and Analysis

Most solar installations fall into two categories: building mounted and freestanding. Building mounted units are typically oriented to capture the bulk of the day's sunlight. Freestanding units may rotate and adjust angles to follow the sun.

Building mounted solar energy systems are typically permitted in all zoning districts (Ithaca, NY; Minneapolis; Roseville, CA; Saint Paul). Zoning regulations for building mounted solar energy systems commonly address setbacks, roof coverage, and height.

In Minneapolis, building mounted solar energy systems must be set back at least one foot from the exterior perimeter of a roof for every one foot that the system extends above the roof. The Minnesota model ordinance recommends that the system not extend beyond the exterior perimeter of the building. Saint Paul regulations simply treat building mounted systems as part of the building, subject to the same standards as any other part of the building.

The Minnesota model ordinance suggests restricting the amount of roof coverage to not more than 80 percent of the roof. Minneapolis considered this in a draft, but deleted this restriction in their adopted ordinance. Seattle restricts all rooftop equipment to no more than 15 percent total roof coverage. Saint Paul does not restrict the amount of a roof that can be covered by a solar energy system.

Height restrictions for building mounted solar energy systems vary from city to city. In Seattle and Minneapolis, solar collectors can rise above the maximum height for the district. The Minnesota model ordinance recommends not exceeding the maximum height for the district. Roseville, CA, and Saint Paul restrict solar energy systems to the maximum height for the district. This allows more height for solar systems in zoning districts with higher height limits. In commercial and industrial districts it also allows more height for solar panels that are set back more, thereby limiting their visual impact.

For historic structures and homes, the Minnesota model ordinance recommends a conditional use permit, but Minneapolis does not do this. Design guidelines for solar installations have been established by some cities. Generally, the National Trust for Historic Preservation recommends taking each installation application case by case and looking at screening, minimizing the visual effect of the installation and using materials that appear similar to others in use on the structure or in the area. For cities with certified local heritage preservation programs, this review is best done by the Heritage Preservation Commission, which is what is done in Minneapolis and Saint Paul.

Freestanding or active solar energy systems are generally permitted in all districts and generally regulated as an accessory use (Ithaca, MN model, Minneapolis, Saint Paul). A site plan may be required.

All of the compared cities prohibit free standing solar energy systems in a front yard, and apply the requirements for accessory uses. Saint Paul allows accessory buildings to cover no more than 35% of a rear yard, and a maximum of 3 accessory buildings on lots containing one- and two-family dwellings. Seattle also restricts solar energy systems to no closer than five feet from any principal or accessory structure, and has a specific minimum setback from property lines.

Height restrictions for freestanding solar energy systems vary from city to city. In Roseville, CA the height must conform to maximum height standards for the district. In Minneapolis and Ithaca the height limit is 20 feet. Santa Barbara limits freestanding solar energy system heights to 12 or 18 feet depending on the district. Seattle is less restrictive for free standing systems, allowing them to extend up to nine feet above the height limit established for the zoning district. The Minnesota model ordinance currently recommends that the height of free standing systems not exceed 15 feet when oriented at maximum tilt, but based on experience and feedback the MPCA is planning to change the height limit to 20 feet. Saint Paul limits accessory buildings with flat or shed roofs in residential districts to 12 feet in height; accessory buildings in commercial and industrial districts are subject to the same height standards as principal structures.

Freestanding solar energy systems must be removed within 12 months of cessation of operations in Minneapolis. Other cities do not include this provision.

The Minnesota model ordinance recommends solar energy system compliance with building and electrical codes, and that they be able to withstand 90 miles per hour winds. Minneapolis refers to building and electrical code compliance, but is silent regarding wind. Compliance with building and electrical codes is a requirement without it being referred to in a zoning code.

Recommendations

The Neighborhood Planning Committee recommends that solar energy systems continue to be permitted in all zoning districts as an accessory use, with building mounted systems subject to the dimensional standards that apply to the building, and freestanding systems subject to the standards that apply to accessory structures. "*Solar energy system*" should be specifically added to the accessory uses listed under Article VII, 65.900, Accessory Uses to clarify this, and to clarify that ground-mounted freestanding solar energy systems are treated as accessory *buildings* with flat or shed roofs for the purpose of maximum height, maximum lot area coverage, and location requirements.

Most uses listed in the Zoning Code are not separately defined in the code because they are commonly understood, adequately for the purposes of the Zoning Code, without a special, unique definition. This is the case for the phrase *solar energy system*.

The committee also recommends deleting the word *mechanical* in § 63.110(e) to make it clear that this general design standard for rooftop equipment applies to solar energy systems that are not mechanical systems, and further recommends amending § 63.110(e) to change the word *visibility* to *visual impact*. Minneapolis regulations specifically state that "screening of solar energy systems shall not be required." This amendment helps make it clear that § 63.110(e) doesn't require screening to reduce *visibility* of rooftop equipment, but rather requires reducing the *visual impact*, which can be done through such things as location and integration into the roof design as well as by screening. Trying to be more dimensionally specific than we already are with height limits about how to reduce the visual impact of rooftop equipment could easily be more detailed and complex than it's worth, and result in many specific situations where such dimensional standards would be unreasonable.

The Neighborhood Planning Committee recommends that the Planning Commission release the following draft amendments for public review and set a public hearing date for July 8, 2011.

Recommended Zoning Code Amendments

Sec. 63.110. Building design standards.

- (e) The ~~visibility~~ visual impact of rooftop mechanical equipment shall be reduced through such means as location, screening, or integration into the roof design. Screening shall be of durable, permanent materials that are compatible with the primary building materials. Exterior mechanical equipment such as ductwork shall not be located on primary building facades.

Sec. 65.921. Solar energy system.

Standards and conditions:

- (a) Building mounted systems shall be subject to the dimensional standards that apply to the building. Additionally, building mounted systems in residential districts shall not extend above the ridge of a gable, gambrel, hip or mansard roof, and shall not extend more than twelve (12) feet above the surface of a flat or shed roof.
- (b) Freestanding systems shall be treated as accessory buildings with flat or shed roofs for the purpose of maximum height, maximum lot area coverage, and location requirements; provided that freestanding systems in residential districts shall not exceed twelve (12) feet in height within ten (10) feet of a property line, with additional height equal to additional setback from property lines permitted to a maximum height of twenty (20) feet.

Sec. 65.9224. Support services in housing for the elderly.